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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,062	05/01/2001	Jewell Lim Esposito	2ECP/002	4561

7590 04/20/2006  
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EXAMINER

AKINTOLA, OLABODE

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/847,062	ESPOSITO, JEWELL LIM	
	<b>Examiner</b>	<b>Art Unit</b>	
	Olabode Akintola	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 15 is objected to because of the following informalities: A comma is missing after the word "identification". Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-9, 11-23, 25-40, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (US Patent Application 20010037276) in view of Zothner (US Patent 6775658).

Re Claims 1-9, 12-23, 26-32, 34: Kelly teaches a method, computer readable medium and apparatus for automatically identifying, distributing, recording, and re-creating communications electronically to selective participants of a plan, comprising: providing a database containing plan and plan participant information (section [0029]); defining a plurality of plan rules associated with plan and plan participant information; wherein the defining a plurality of plan

Art Unit: 3624

rules is performed by a plan sponsor (sections [0026], [0031]) ; determining a plan participant recipient listing (section [0003]); providing access to view the at least one plan communication medium (sections [0022], [0023]); wherein the plan communications medium is selected from the group comprising a plan document, a plan form, a plan report, and a notification (sections [0105], [0106]); wherein the at least one plan communications medium is generated from the database (sections [0105], [0106], [0121]); confirming the selective participants have viewed the at least one plan communication medium (sections [0022], [0023]); prohibiting the participants from viewing a plan web site in an instance where any of the at least one plan communication medium, which are deemed relevant, are not confirmed as being read by the participants; requesting the plan participant to login to a plan web site; presenting a communications viewer to the participant; and enabling the plan participant to select and retrieve the at least one plan communications medium; permitting the plan participant access to the plan web site upon confirming that all of the relevant at least one plan communications medium have been read by the plan participant; permitting the participants having confirmed viewing the plan communications to access additional plan web pages (section [0074], [0104], [0105], Figs. 24-26).

Kelly does not explicitly teach the steps of defining a plurality of event triggers based on the plurality of plan rules; defining a plurality of event triggers is defined by a programmer selected from the group comprising a plan sponsor and a plan administrator; determining if an event trigger initiates delivery of at least one plan communication medium; determining the plan participant recipient listing comprises the step of initiating a message transmission module in an instance where the event trigger has occurred; identifying the at least one plan communications

Art Unit: 3624

medium that is to be delivered; identifying at least one recipient of the at least one plan communications medium; electronically delivering the at least one plan communications medium automatically to the at least one recipient; manually delivering the at least one plan communications medium to the at least one recipient; defining of the plurality of event triggers further comprises, storing in a trigger event database for each trigger event, an entry identification a trigger description, an associated plan communications medium, a trigger criteria, and trigger type.

Zothner teaches the steps of defining a plurality of event triggers based on the plurality of plan rules (Abstract); defining a plurality of event triggers is defined by a programmer selected from the group comprising a plan sponsor and a plan administrator (Abstract); determining if an event trigger initiates delivery of at least one plan communication medium; determining the plan participant recipient listing comprises the step of initiating a message transmission module in an instance where the event trigger has occurred; identifying the at least one plan communications medium that is to be delivered; identifying at least one recipient of the at least one plan communications medium; electronically delivering the at least one plan communications medium automatically to the at least one recipient (Summary, Figs. 11a-11c); manually delivering the at least one plan communications medium to the at least one recipient (Col. 24, lines 60+, Figs. 11a – 11c); defining of the plurality of event triggers further comprises, storing in a trigger event database for each trigger event, an entry identification a trigger description, an associated plan communications medium, a trigger criteria, and trigger type (Col. 21, lines 40-59; Figs 8a –8b).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kelly to include the steps of defining a plurality of event triggers based on

Art Unit: 3624

the plurality of plan rules; defining a plurality of event triggers is defined by a programmer selected from the group comprising a plan sponsor and a plan administrator; determining if an event trigger initiates delivery of at least one plan communication medium; determining the plan participant recipient listing comprises the step of initiating a message transmission module in an instance where the event trigger has occurred; identifying the at least one plan communications medium that is to be delivered; identifying at least one recipient of the at least one plan communications medium; electronically delivering the at least one plan communications medium automatically to the at least one recipient; manually delivering the at least one plan communications medium to the at least one recipient; defining of the plurality of event triggers further comprises, storing in a trigger event database for each trigger event, an entry identification a trigger description, an associated plan communications medium, a trigger criteria, and trigger type as taught by Zothner because the aforementioned steps greatly improve the system by increasing the system's development modularity and flexibility.

Re claims 11, 25, 43: Kelly and Zothner are as discussed above. Kelly and Zothner do not explicitly teach the steps of: enabling selected web site pages for viewing; providing an electronic signature affirmation; and receiving such electronic signature affirmation.

Official notice is taken that it is old and well known in the art to view web site pages, provide an electronic signature affirmation and receive such electronic signature.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kelly in view of Zothner to include the steps of: enabling selected web site pages for viewing; providing an electronic signature affirmation; and receiving such electronic

Art Unit: 3624

signature affirmation because it enhances the system by ensuring that the participants view and agree with the content of the web pages by signing them.

Re claims 33: See claim 30 analysis above. Furthermore, Kelly teaches the apparatus wherein a communications network is selected from the group comprising the Internet, Intranet, local area network, and wide area network (section [0071]).

Re claims 35-38: See claim 34 analysis above. Furthermore, Kelly teaches the step further comprising a plan web site (section [0072]); wherein the plan web site comprises a plurality of web pages having a hierarchical structure (figs. 2-29); wherein the web site provides connectivity to an administrator hierarchy of web pages, a participant hierarchy of web pages, and a communications viewer (figs. 2-29); wherein the communications viewer provides plan participant access to read the delivered at least one plan communications medium (figs. 2-29).

Re claim 39, 40: See claim 37 analysis above. Furthermore, Kelly teaches the steps wherein the communications viewer further comprises a personal file cabinet; wherein the personal file cabinet permanently stores archived communication medium unique to each of the participants and, further, unique to an employer (section [0068], fig. 13).

3. Claims 10, 24, 41-42, 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (US Patent Application 20010037276) in view of Zothner (US Patent 6775658) and further in view of Mohler (U.S Patent 6175859).

Kelly and Zothner are as discussed above. Kelly and Zothner do not explicitly teach the steps of: setting a predetermined period of time for the participants to read the at least one plan communications medium delivered electronically; determining whether the at least one

Art Unit: 3624

electronically delivered communications has been read by each participant; initiating an event trigger in an instance where the at least one electronically delivered communications has not been read; notifying a plan administrator; sending an alternate communication after the predefined period of time has surpassed; wherein prior to said sending an alternate communication, the method further comprises: sending a second electronic mail communication; and waiting for access to the web site for a second predefined period of time.

Mohler teaches the steps of: setting a predetermined period of time for the participants to read the at least one plan communications medium delivered electronically; determining whether the at least one electronically delivered communications has been read by each participant; initiating an event trigger in an instance where the at least one electronically delivered communications has not been read; and notifying a plan administrator; sending an alternate communication after the predefined period of time has surpassed; wherein prior to said sending an alternate communication, the method further comprises: sending a second electronic mail communication; and waiting for access to the web site for a second predefined period of time (Summary, Col. 1, lines 32-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kelly in view of Zothner to include steps of: setting a predetermined period of time for the participants to read the at least one plan communications medium delivered electronically; determining whether the at least one electronically delivered communications has been read by each participant; initiating an event trigger in an instance where the at least one electronically delivered communications has not been read; notifying a plan administrator; sending an alternate communication after the predefined period of time has surpassed; wherein

Art Unit: 3624

prior to said sending an alternate communication, the method further comprises: sending a second electronic mail communication; and waiting for access to the web site for a second predefined period of time as by Mohler to enhance the efficiency of the system by enabling the participant to be contacted by other means.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gilbert et al (US Patent 6041313) teaches a computer based 401(k) plan. Cwenar (US Patent 5893079) teaches a system for receiving, processing, creating, storing, and disseminating investment information. Powar (US Patent 6285991) teaches secure interactive electronic account statement delivery system. Mann et al. (US Patent Application 20020019765) teaches a method for providing performance assessment of an employee, a service, a product or a vendor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



HANI M. KAZIMI  
PRIMARY EXAMINER

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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